

RESOLUTION NO. 19-_____

RESOLUTION FOR SETTLEMENT AUTHORITY FOR THE CITY ATTORNEY
TO SETTLE CERTAIN WORKERS' COMPENSATION CASES

WHEREAS, on August 17, 2011, the Los Angeles City Council granted the City Attorney legal settlement authority to settle certain workers' compensation cases of City employees by adding subsection (c) to Los Angeles Administrative Code (LAAC) Section 5.177, through adoption of Ordinance No. 181856 in Council File No. 11-1284; and

WHEREAS, LAAC Section 5.177(c), attached hereto as Exhibit A, authorizes the City Attorney to approve certain individual City employees' workers compensation settlements of Statutorily Mandated Payments that comply with specified conditions, without further approval by City Council. LAAC Section 5.177(c) defines "Statutorily Mandated Payments" to include any amounts required by law to be paid as: (i) lifetime medical benefits, (ii) temporary disability payments, (iii) payments for medical treatment made directly to qualified providers, (iv) statutory death benefits after dependency is legally established, and (v) Permanent Disability (including life pension) payments for disability ratings of up to 99%; and

WHEREAS, the Harbor Department administers its own Workers' Compensation claims paid from the Harbor Revenue Fund, with legal advice and assistance of the City Attorney; and

WHEREAS, we find that it is in the best interest of the Harbor Department to grant the City Attorney settlement authority to settle certain workers' compensation settlements of Statutorily Mandated Payments consistent with the provisions of LAAC Section 5.177(c) and California law;

NOW, THEREFORE, BE IT RESOLVED that the City Attorney, without necessity of first receiving approval of the Board, is hereby authorized to pay, settle or compromise any Workers' Compensation claims payable for Harbor Department employees that are determined to be Statutorily Mandated Payments as defined in, and compliant with the conditions of, LAAC Section 5.177(c);

AND BE IT FURTHER RESOLVED that, the City Attorney, without necessity of first receiving approval of the Board for purposes of lump-sum settlements only, where it is deemed in the best interest of the Harbor Department or any officer or employee thereof for which the Harbor Department may ultimately be liable, is hereby authorized to pay, settle or compromise in an amount not exceeding Fifty Thousand Dollars (\$50,000) as to any one person, firm or corporation without necessity of first receiving approval of the Board, subject to the provisions of Board Resolution No. 5400.

I HEREBY CERTIFY THAT the foregoing resolution was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held on

AMBER KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

July 16, 2019

MICHAEL N. FEUER, City Attorney

JANNA B. SIDLEY, General Counsel

By 
ESTHER S. OLSEN, Deputy City Attorney

LOS ANGELES ADMINISTRATIVE CODE §5.177(c)

Sec. 5.177. Authority to Make Settlements of Certain Workers' Compensation Claims Against the City.

(c) Without limiting the authority granted by, or the effect of the provisions in, Subsections (a) and (b) of this Section, and subject only to the approval or disapproval of the Mayor, who shall make client decisions with respect to settlement of such litigation, the City Attorney or the City Attorney's designee for such purpose is authorized to pay, settle or compromise, either by stipulation with request for award or by compromise and release, any workers' compensation claim for which an application for adjudication of claim has been filed with the Workers' Compensation Appeals Board and as to which the Office of the City Attorney provides legal representation through its employees ("Litigated Claims"). Each payment, settlement or compromise under the provisions of this section entered into by the City Attorney or the City Attorney's designee shall comply with all of the following conditions:

(1) The amount to be paid shall not exceed a total of Fifty Thousand Dollars (\$50,000); provided, however, that Statutorily Mandated Payments shall not be included in computing the amount to be paid as an authorized settlement under this Subsection when there is no reasonable legal basis to challenge the payment, and no other authorization shall be required to enter into settlements to the extent that they include such Statutorily Mandated Payments. For purposes of this Subsection, Statutorily Mandated Payments include any amounts required by law to be paid as: (i) lifetime medical benefits, (ii) temporary disability payments, (iii) payments for medical treatment made directly to qualified providers, (iv) statutory death benefits after dependency is legally established, and (v) Permanent Disability (including life pension) payments for disability ratings of up to 99%;

(2) A proper claim and application shall have been filed within the appropriate time limitations; and,

(3) The City Attorney, or the City Attorney's designee, must find conditions indicating a probable liability, conditional or absolute, on the part of the City and, with respect to Statutorily Mandated Payments, that there is no reasonable legal basis to challenge the payment.

SECTION HISTORY

Subsec. (c) added, Ord. No. 181,856, Eff. 9-26-11.

EXHIBIT A

RESOLUTION NO. 5400 1

A Resolution of the Board of Harbor Commissioners increasing the authority of the City Attorney to settle claims and litigation by and against the City of Los Angeles, the Board of Harbor Commissioners, the Harbor Department and its officers and employees.

Section 1. Authority to make settlements of claims or actions against the City.

(a) The City Attorney is hereby authorized to pay, settle or compromise any monetary claim or legal action pending against the City of Los Angeles ("City"), the Board of Harbor Commissioners ("Board"), the Harbor Department ("Department"), or any officer or employee thereof, for which the City, the Board, or the Department may be ultimately liable, in an amount not exceeding Fifty Thousand Dollars (\$50,000) as to any one person, firm or corporation, without the necessity of first receiving the approval of the Board, subject to the provisions of subsection (c) herein below.

(b) With the approval of the Executive Director of the Department, or, in his absence, the Executive Director's designee, the City Attorney is authorized to pay, settle or compromise any monetary legal action pending against the City, the Board, the Department, or any officer or employee thereof, for which the City, the Board or the Department may be ultimately liable, in an amount exceeding Fifty Thousand Dollars (\$50,000) but not exceeding One Hundred Thousand Dollars (\$100,000) as to any one person, firm or corporation, without the necessity of first receiving the approval of the Board, subject to the provisions of subsection (c) herein below.

(c) No payment, settlement or compromise under the provisions of this section shall be made unless both of the following conditions exist:

1. A proper claim has been filed within the appropriate time limitation; and

2. The City Attorney, upon investigation, finds conditions indicating a probable liability, conditional or absolute, on the part of the City.

(d) For the purpose of paying, settling or compromising any claim or legal action pursuant to this section, the Executive Director is authorized to draw demands upon the written request of the City Attorney.

Section 2. Authority to make settlements of claims or actions initiated by the City.

(a) Subject to the provisions of subsection (c) herein below, the City Attorney is authorized to settle or compromise any monetary claim or legal action initiated by the City, acting by and through the Board, against any person, firm or corporation, where the amount by which the claim or action is to be reduced does not exceed Fifty Thousand Dollars (\$50,000), without the necessity of first receiving the approval of the Board.

(b) Subject to the provisions of subsection (c) herein below, the City Attorney, with the approval of the Executive Director of the Department, or, in his absence, the Executive Director's designee, is authorized to settle or compromise any monetary claim or legal action initiated by the City, acting by and through the Board, against any person, firm or corporation, where the amount by which the claim or action is to be reduced exceeds Fifty Thousand Dollars (\$50,000) but does not exceed One Hundred Thousand Dollars (\$100,000).

(c) Where the claim or action involves damage to City property arising out of the ownership or operation of any vehicle, the amount to be accepted in settlement or compromise shall not be less than fifty percent (50%) of the total amount claimed by the City for such damage, exclusive of any amount for loss of use of any City vehicle; provided, however, in such cases, the City Attorney may waive any claim for loss of use. The amount so waived shall not be included in the computation of the amount by which the claim is to be reduced.

Section 3. Authority to execute and deliver writings in connection with settlement of claims and actions.

The authority to settle or compromise claims and legal actions granted to the City Attorney in this Resolution shall include the authority to execute and deliver, or cause to be executed and delivered, any and all releases, covenants not to sue, dismissals, satisfactions of judgments and any other instruments in writing necessary or advisable to be executed and delivered in connection with the settlement or compromise of claims or legal actions by or against the City.

Section 4. Settlement in the City's best interest.

The City Attorney is authorized to close the files on matters referred to the City Attorney for collection and to settle, compromise and dismiss any claim made or litigation initiated by the Department against any person, firm or corporation when the City Attorney determines that efforts to collect money due the Department would be disproportionately costly with relation to the probable outcome of the collection efforts or that it is otherwise in the City's best interest to do so, without prior approval of the Board so long as such action does not involve a claim or suit in excess of Fifty Thousand Dollars (\$50,000). The City Attorney shall report any actions taken pursuant to this section to the Department's Chief Financial Officer, who shall thereupon remove from the accounts receivable any amount found to be uncollectible or which has been allowed by way of compromise.

Section 5. Transmittal of funds.

All funds received by the City Attorney in settlement of claims and litigation shall be immediately transmitted to the Department's Chief Financial Officer for deposit with the City Treasurer to the credit of the harbor revenue fund.

Section 6. Government Code conformance.

Pursuant to Section 935.4 of the Government Code, the City Attorney is authorized to perform those functions of the Board as described in Part 3, Division 3.6, Title I of the Government Code; provided that the authority hereby delegated is limited as provided in Section 1 of this Resolution.

Section 7. Transmittal of claims or suits

Upon receipt of any claim or lawsuit against the City, the Board, the Department or any officer or employee thereof, the Secretary of the Board shall immediately transmit such claim or lawsuit to the Office of the City Attorney for handling as prescribed by this Resolution, with a notation of the time and date of receipt in the office of the Secretary.

Section 8. Reports.

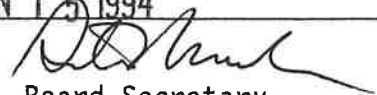
The City Attorney shall submit quarterly reports to the Board describing all payments, settlements and compromises made pursuant to the authority of this Resolution.

Section 9. Prior Resolution superseded.

Resolution No. 4854, adopted by the Board at its meeting of July 31, 1985, is hereby repealed.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held

JUN 15 1994


Board Secretary

APPROVED AS TO FORM

May 17 _____, 1994
JAMES K. HAHN, City Attorney

By 
WINSTON F. TYLER, Sr. Assistant

WFT:CHV:cw
5/17/94